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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,246	04/06/2006	Kouichirou Taniguchi	266004US0XPCT	5377
22850	7590	04/02/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			KRUER, KEVIN R	
			ART UNIT	PAPER NUMBER
			1787	
			NOTIFICATION DATE	DELIVERY MODE
			04/02/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,246	<b>Applicant(s)</b> TANIGUCHI ET AL.	
	<b>Examiner</b> KEVIN R. KRUER	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 17, 2009 has been entered.

### ***Claim Rejections Overcome by Amendment***

2. The rejection of claims 1, 2, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta et al (US 5,888,640) in view of WO/2001096490-Kijima et al (herein US 2004/0039117 is relied upon as an English translation thereof) has been overcome by amendment.
3. The rejection of claim 3 under 35 U.S.C. 103(a) as being unpatentable over Marotta et al (US 5,888,640) in view of WO/2001096490-Kijima et al (herein US 2004/0039117 is relied upon as an English translation thereof), as applied to claims above, and further in view of Bieler (US 4,127,688) or Warren (US 4,853,265) has been overcome by amendment.

### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO99/62987 (Taniguichi) in view of WO 2001/090227 (Seta). Herein, US 6,541,123 is utilized as an English translation of WO99/62987 and US 2003/0143415 is relied upon as an English translation of WO WO/2001/090227.

Taniguichi teaches a polyolefin film for stretch wrap packaging. The film has a storage modulus of  $5 \times 10^8$  dyn/cm<sup>2</sup> to  $5 \times 10^9$  dyn/cm<sup>2</sup> and a loss tangent of 0.2 to 0.8 (abstract). The core of the film comprises (a) a isotactic polypropylene resin, (b) a petroleum resin, a terpene resin, a rosin type resin, or a hydrogenated derivative thereof, (c) a second polypropylene component such as a crystalline polypropylene ethylene random copolymer or propylene ethylene butene copolymer (col 8, lines 11+) and (d) a copolymer of a vinyl aromatic compound with a conjugated diene (col 7, lines 1+). The petroleum resin can have a melting point of 100°C and is incorporated in amounts of 5-25wt% (col 7, lines 30+). The polypropylene film may be sandwiched between skin layers (see examples) which comprise ethylene vinyl acetate or LDPE (col 10, lines 14+). The EVA may comprise 5-25wt% vinyl acetate and has a melt flow rate of 0.2-5g/10min (col 10, lines 27+).

Taniguichi does not teach the polypropylene resin should comprise the claimed polypropylene resin. However, Serta teaches a polypropylene which is suitable for use

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in stretch wrap shrink films (abstract). The polypropylene meets the meso pendant fraction limitation (1) and the claimed meso pentad fraction (2) of the claimed invention (abstract) and exhibits excellent glossiness and transparency (0019). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the polypropylene of Serta as the polypropylene taught in Taniguchi in order to improve the gloss and transparency of the shrink wrap film.

### ***Response to Arguments***

Applicant's arguments filed 11/19/2009 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUEER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Kruer/

Primary Examiner, Art Unit 1794